



**Service of Process
Transmittal**

07/28/2021

CT Log Number 539982125

TO: Kim Lundy- Email
Walmart Inc.
702 SW 8TH ST
BENTONVILLE, AR 72716-6209

RE: Process Served in Texas

FOR: Wal-Mart Stores Texas, LLC (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Hajek Janice, Pltf. vs. Wal-Mart Stores Texas, LLC, Dft.

DOCUMENT(S) SERVED: Citation, Certificate(s), Petition

COURT/AGENCY: 458th Judicial District Court - Fort Bend County, TX
Case # 21DCV285327

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 09/11/2019, At
26824 FM 1093, Richmond, TX, 77406

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Certified Mail on 07/28/2021 postmarked on 07/21/2021

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on Monday next following the expiration of 20 days after service

ATTORNEY(S) / SENDER(S): Jorge L. Gomez
Gomez Law Firm
1613 Witte Road
Houston, TX 77080
713-868-5528

ACTION ITEMS: CT has retained the current log, Retain Date: 07/28/2021, Expected Purge Date:
08/02/2021

Image SOP

REGISTERED AGENT ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

**BEVERLEY MCGREW WALKER**

District Clerk

Fort Bend County, Texas

301 Jackson Street, Room 101

Richmond, Texas 77469

Physical: 1422 Eugene Heimann Circle

Richmond, TX 77469

OFFICIAL BUSINESS

Penalty for Private Use



9414 7266 9904 2162 3262 14



U.S. POSTAGE >> PITNEY BOWES


ZIP 77469 \$ 007.16⁰
02 4W
0000375758 JUL 21, 2021
WAL-MART STORES TEXAS, LLC
REGISTERED AGENT C T CORPORATION SYSTEM
1999 BRYAN STREET SUITE900
DALLAS, TX 75201

EXHIBIT A

**SERVICE FEE COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

**TO: WAL-MART STORES TEXAS, LLC
REGISTERED AGENT C T CORPORATION SYSTEM
1999 BRYAN STREET SUITE 900
DALLAS TX 75201**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION** filed on **JULY 20, 2021**, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

The case is presently pending before the **458TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **21-DCV-285327** and is styled:

JANICE HAJEK VS WAL-MART STORES TEXAS, LLC

The name and address of the attorney for **PLAINTIFF** is:

**JORGE LUIS GOMEZ
GOMEZ LAW FIRM
1612 WITTE ROAD
HOUSTON TX 77080
713-868-5528**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, on this the 20th day of July, 2021.

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

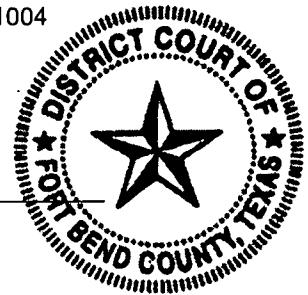
Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:

Ashley Alaniz

Deputy District Clerk Ashley Alaniz
Telephone: (281) 633-7616



SERVICE

EXHIBIT A

21-DCV-285327
Janice Hajek vs Wal-Mart Stores Texas, LLC

458th Judicial District Court

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the _____ at _____ o'clock and executed _____
_____, on the _____, by delivering to the within named _____
_____ by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this
citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$ _____

CMRRR# _____

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: _____
Deputy District Clerk Ashley Alaniz

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____
(First, Middle, Last)

_____, and my address is _____
(Street, City, Zip)

_____."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____,

on the _____ day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

SERVICE

Citation (By Certified Mail) issued to Wal-Mart Stores Texas, LLC on 7/20/2021.

EXHIBIT A

COPY

CAUSE NO. 21-DCV-285327

JANICE HAJEK	§	IN THE DISTRICT COURT OF
	§	
	§	
	§	
vs.	§	FORT BEND COUNTY, TEXAS
	§	
	§	Fort Bend County - 458th Judicial District Court
WAL-MART STORES TEXAS, LLC	§	<u> </u> JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Now Comes Plaintiff JANICE HAJEK, hereinafter called "Plaintiff", complaining of Defendant WAL-MART STORES TEXAS, LLC, hereinafter called "Defendant", and for cause of action Plaintiff would respectfully show unto the Court the following:

I. DISCOVERY CONTROL PLAN

Discovery is intended to be conducted under Level 2.

II. PARTIES

Plaintiff is an individual residing in HARRIS County, Texas.

Defendant WAL-MART STORES TEXAS, LLC is a Texas entity doing business in the State of Texas and may be served with process by the clerk of the court by certified mail, return receipt requested by serving its registered agent: C T Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

III.
MISNOMER/ALTER EGO

In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification", "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

IV.
VENUE

Venue of this lawsuit is proper in Fulshear, Fort Bend County, Texas pursuant to TEX. CIV. PRAC. & REM. CODE § 15.002 (a)(1) et. al. in that all or a substantial part of the events or omissions giving rise to this cause of action occurred in Fort Bend County, Texas.

V.
NOTICE PURSUANT TO TRCP 47

Plaintiff hereby gives notice to all parties that Plaintiff seeks monetary relief over \$250,000.00 but not more than \$1,000,000.

VI.
FACTS

On or about September 11, 2019, during normal business hours, Plaintiff entered the Defendant's business premises, located at 26824 FM 1093, Richmond, Texas 77406. Defendant extended an open invitation to the public, including Plaintiff to enter the premises and purchase goods and services being sold by the Defendant. Plaintiff entered the premises for the purpose

of purchasing goods at said Defendant's facility. Accordingly, Plaintiff was a business invitee to whom Defendant owed the duty to use ordinary care in making its premises reasonably safe and/or warning the Plaintiff of any dangerous conditions and/or activities existing upon said premises. On the occasion in question, the Plaintiff tripped and fell on a ruffled/wrinkled carpet mat located on the premises of the Defendant which proximately caused the injuries and damages more specifically described herein.

VII. **NEGLIGENCE**

On the occasion in question, the Defendant acting through its agents, servants, and/or employees who were at all times acting within the course and scope of their employment committed acts and/or omissions that constituted negligence which proximately caused the incident in question; to wit:

1. In failing to maintain the premises in question in a reasonably safe condition and free of hazards to Plaintiff and other invitees entering the premises;
2. In failing to correct the unreasonably dangerous condition which was created by the ruffled/wrinkled carpet on the premises in question;
3. In failing to warn invitees, including the Plaintiff of the dangerous condition of the premises in question;
4. In failing to properly inspect the premises in question to discover the unreasonably dangerous condition created by the ruffled/wrinkled carpet in question;
5. In failing to properly train its agents, servants, and/or employees regarding the proper way to make the premises reasonably safe;
6. In failing to implement proper policies, rules, and/or procedures to make its premises reasonably safe; and

7. In failing to enforce proper policies, rules, and/or procedures to make its premises reasonably safe.

Each and all the above and foregoing acts, both of omission and commission, singularly or in combination with others, constituted negligence which proximately caused the occurrence made the basis of this suit, and the Plaintiff's injuries and damages pled herein.

VIII. DAMAGES

As a proximate cause of the Defendant's negligence the Plaintiff has sustained the following damages:

- (1) Medical, hospital, and pharmaceutical charges and expenses in the past;
- (2) Medical, hospital, and pharmaceutical charges and expenses that, in reasonable medical probability, will be incurred in the future;
- (3) Lost wages in the past;
- (4) Loss of wage-earning capacity that, in reasonable probability, will be incurred in the future;
- (5) Pain and suffering in the past;
- (6) Pain and suffering that, in reasonable probability, will be suffered in the future;
- (7) Mental anguish suffered in the past;
- (8) Mental anguish that, in reasonable probability, will be suffered in the future;
- (9) Disability and impairment in the past;
- (10) Disability and impairment that, in reasonable probability, will occur in the future;
- (11) Disfigurement in the past;
- (12) Disfigurement that, in reasonable probability, will occur in the future;

(13) Loss of household services in the past; and

(14) Loss of household services that, in reasonable probability, will occur in the future.

Based on the above enumerated injuries and damages which were caused by the negligent acts and/or omissions of the Defendant, the Plaintiff pleads for actual damages in an amount that the jury deems reasonable under the circumstances which exceed the minimum jurisdictional limits of the Court.

IX.
NOTICE PURSUANT TO TRCP 193.7

Plaintiff hereby gives notice to all parties that Plaintiff intends to use any and all documents that are produced by a party against that party in pretrial proceedings or at trial pursuant to TRCP 193.7.

X.
PRE-EXISTING CONDITION

In the alternative, Plaintiff would show that if any injury and/or condition from which she currently suffers was pre-existing, then such condition was aggravated, exacerbated, and/or made worse by the negligence of the Defendant herein.

XI.
SUBSEQUENT CONDITION

In the alternative, Plaintiff would show that if she suffers from any subsequent injury and/or condition, then such injury and or condition was aggravated and/or exacerbated by the negligence of the Defendant herein.

XII.
U.S. LIFE TABLES

Plaintiff hereby notifies the Defendant of her intent to use U.S. Life Tables as published by the U.S. Government in the trial of this matter.

XIII.
JURY DEMAND

Plaintiff hereby demands a trial by jury.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff requests that the Defendant be cited to appear and answer herein, and that upon a final hearing hereof, the Plaintiff have judgment against the Defendant for actual damages in an amount the jury deems reasonable under the circumstances which is in excess of the minimum jurisdictional limits of the Court together with pre-judgment interest, post-judgment interest, costs of court, and for such other and further relief to which the Plaintiff may be justly entitled.

Respectfully submitted,

GOMEZ LAW FIRM
1613 Witte Road
Houston, Texas 77080
Telephone: (713) 868-5528
Facsimile: (713) 868-4159
jlg@gomezlawfirm.com

/s/ Jorge L. Gomez
JORGE L. GOMEZ
STATE BAR NO. 00793825

ATTORNEY FOR PLAINTIFF